

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTE ORDER**

Adversary Title :	Sandoval et al v. Crosby	Case No : 13-27293 – E – 7
		Adv No : 13-02306 – E
		Date : 8/28/14
		Time : 1:30
Matter :	[27] – Motion/Application for Judgment on the Pleadings [SCR-3] Filed by Defendant Christopher Beck Crosby (msam) [27] – Motion/Application For Summary Judgment [SCR-3] Filed by Defendant Christopher Beck Crosby (msam)	
Judge :	Ronald H. Sargis	
Courtroom Deputy :	Janet Larson	
Reporter :	Diamond Reporters	
Department :	E	

APPEARANCES for :

Movant(s) :
(by phone) Defendant's Attorney – Stephen C. Ruehmann

Respondent(s) :
Plaintiff's Attorney – Sean Gavin
Plaintiff – Jaime Sandoval
Plaintifdf – Mary Sandoval
Interested Party – Robert Bowman

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Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Judgment on the Pleadings (Fed. R. Civ. P. 12(c)) or, Alternatively, for Summary Judgment (Fed. R. Civ. P. 56) filed by Christopher Beck Crosby (Defendant-Debtor) for all claims asserted in the Complaint filed by Jaime Sandoval and Mary Sandoval (Plaintiffs) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion For Judgment on the Pleadings is granted, with Judgment for the Defendant and against Plaintiffs, and each of them, on the First Cause of Action (11 U.S.C. § 523(a)(2)(A) fraud) and Second Cause of Action (11 U.S.C. § 523(a)(6) in the Complaint.

IT IS FURTHER ORDERED that the Motion for Summary Judgment is granted for Defendant-Debtor and against Plaintiffs, and each of them, on the First (11 U.S.C. § 523(a)(2)(A) fraud); and denied as to the Second Cause of Action (11 U.S.C. § 523(a)(6) willful and malicious injury).



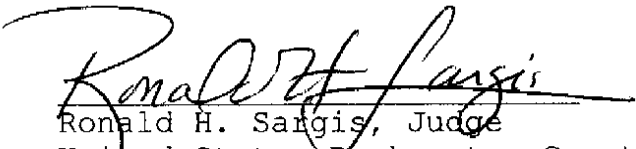
IT IS FURTHER ORDERED that, pursuant to the stipulation of the Plaintiffs and Defendant-Debtor on the record at the August 28, 2014 hearing on this Motion, Plaintiffs have leave to file and serve an amended complaint on or before September 12, 2014. If timely filed, Defendant-Debtor shall have until October 10, 2014 to file an answer or other responsive pleading.

IT IS FURTHER ORDERED that on October 15, 2014, at 2:30 p.m. Pre-Trial Conference in this Adversary Proceeding the court shall conduct a status conference to determine if any further discovery is proper. If so, the court shall issue such further discovery order as appropriate. If no further discovery is appropriate the court shall schedule the trial in this Adversary Proceeding.

IT IS FURTHER ORDERED that if an amended complaint is not timely filed and served, judgment pursuant to this order shall be entered for the Defendant-Debtor, and the Pre-Trial Conference vacated. Counsel for Defendant-Debtor shall lodge with the court a proposed judgment consistent with the order. The judgment shall provide that any costs allowed shall be enforced as part of the judgment.

Dated: August 29, 2014

By the Court


Ronald H. Sargis, Judge
United States Bankruptcy Court